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09/197,506	11/23/1998	RICHARD GIOSCIA	SOA-246	1334

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EXAMINER

CHOW, CHARLES CHIANG

ART UNIT

PAPER NUMBER

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Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/197,506	GIOSCIA ET AL.
	Examiner	Art Unit
	Charles Chow	2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 2/6/2003.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,2,5-7,10,13-17,19-22,24,25 and 27-34 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,2,5-7,10,13-17,19-22,24,25 and 27-34 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

    1. Certified copies of the priority documents have been received.

    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

*Office Action for  
applicant's amendment  
(February/06/2003)*

1. Regarding applicant's amendment for canceling claims 11-12, 26; adding new claims 31-34; amending claims, based on the no teaching of the displaying on the contest information for the corresponding audio program; the transmitting purchase signal to service provider indicating an order to purchase a recording of audio program indicated, identified by the contest information on display device; the service provider has recording to ship to user; the ground of rejection has been changed to include Gordon et al. (US 6,314,573, also as Gordon below).

Regarding displaying on the contest information for the corresponding audio program, Gordon teaches the subscription on demand services SOD for the interactive distribution system (title, abstract, summary of invention). Gordon teaches, in his claim 6, the sending from service provider to subscriber a first menu to display the menu on the graphical user interface, as shown in Fig. 8, Fig. 5.

Regarding the transmitting purchase signal to service provider indicating an order to purchase a recording of audio program indicated, identified by the contest information on display device, Gordon teaches, in his claim 6, the sending a selection signal indicating selected video-on-demand form subscriber to service provider. Gordon teaches the delivery packages ordered by customer from screen, including music videos, cooking, travel, automotive, education, children's program (col. 8, lines 46-59).

Regarding the service provider has recording to ship to user, Gordon teaches the interactive

distribution system to distribute, ship, the recording packages from service provider to customer, based on the subscriber's interactive purchase order on-demand, after reviewed the price for the package on displayed menu (abstract, summary of invention).

***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the steps for the method of this invention must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. There is no drawing which clearly describes the steps for the method in the claims. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC§ 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rovira et al. (US 5,239,540) in view of Knox (US 6,212,359), and further in view of Moe (US 5,345,430) and Gordon et al. (US 6,314,573).

Regarding **claim 1**, Rovira discloses a method of providing listeners with information about audio programming being digitally broadcast comprising combining a data signal carrying

contextual information about said audio programming with an audio signal carrying said audio programming, (see in abstract, in Fig. 1, 5, 6, 8, the apparatus and method for transmitting, receiving, and communicating the audio broadcast program data signals which are combined with digital data signals, having compressed digital audio multiplexed with the program information, such as the title, the digital audio track, the artist information, the record label, the year, and transmits the combined signals via satellite to a receiving station). Rovira discloses the receiving station de-multiplexes signals and sends the combined signal to subscriber's digital tuner for separating the digital audio from the program data. The digital audio is decoded in ASIC, and the program data is processed by the microprocessor. The decoded audio program data is displayed on the display device, while listening to the audio. It also shows in Fig. 7, the input device, keyboard 207, the controlling processor 203, and the display 209 for audio programs. In column 4, line 1-8, it also shows the means of communication could be via wireless communication.

Rovira et al. does not explicitly indicate the receiver for directly receiving the broadcast audio.

Knox teaches the receiving said combined data and audio signals with a receiver, the separating said data and audio signals; displaying said contextual information of said data signal on a display device of said receiver (see in abstract, col. 2, line 60 to col. 3, line 3, col. 9, line 55 to col. 10, line 10, it shows the remote digital receiver receives the broadcast digital audio with the program information). Knox shows at least one receiver/tuner device responsive to the digital audio and program information and corresponding control signals by said controlled device, said program information comprising alphanumeric information. Knox shows a display for displaying the alphanumeric characters

associated with said program information and corresponding selected commands, as shown in claim 1. In abstract, Knox shows the demodulating of the said combination signals to output music in stereophonic sound, for separating the data and audio signals and transducing audio to audible sound. In col. 7, line 50-62, Knox shows the viewing and storing the program information. In col. 8, it shows the digital audio signals is combined with the typical program message including information concerning the composer, the track title, the artist, the album associated with the track title, and custom information for current performance. It's obviously a good feature to display the audio program on user's display such that the user could directly select the program.

Besides, Knox does teaches the displaying of the song title in the LCD window (figure in cover page), storing the received music information in the memory (abstract, col. 3, lines 24-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify and add Knox's wireless receiver for receiving the digital data and the audio data, demodulating of the combination signal to output music in stereophonic sound and display the corresponding program by means of an alphanumeric display, to Rovira ,as modified above, such that the user could directly listen to the digital audio with displayed corresponding program.

In the above it does not clearly indicate the storing portion of contextual information in removable memory medium.

Moe teaches the recording receiving device (figure in cover page) for storing the received TV broadcast program, audio and video, to the short term storage media STS, and transferred to the long term storage media LTS (abstract, Fig. 10, fig. 7, 9, col. 2, line 26-32). The short/long storage media is the removable memory for storing of the context information

of the TV video/audio program. In Fig. 10, the radio broadcast information is stored in removable memory, digital tape 108, audio tape 107. Moe provides the solution for storing the broadcast video/audio onto the removable memory tape such that the music could be retrieved from the portable tape. It's apparently obvious to include Moe's storing of the video/audio program to digital/audio tape, to Rovira as modified above, such that the system could be upgraded for storing the broadcast program in portable tape. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify and include Moe's storing of the video/audio program to digital/audio tape, to Rovira as modified above, such that the system could be upgraded for storing the broadcast program in portable tape for future retrieval.

Regarding the amended portion, Gordon teaches the displaying on the contest information for the corresponding audio program. Gordon teaches the subscription on demand services SOD for the interactive distribution system (title, abstract, summary of invention). Gordon teaches, in his claim 6, the sending from service provider to subscriber a first menu to display the menu on the graphical user interface, as shown in Fig. 8, Fig. 5.

Regarding the transmitting purchase signal to service provider indicating an order to purchase a recording of audio program indicated, identified by the contest information on display device, Gordon teaches, in claim 6, the sending a selection signal indicating selected video-on-demand form subscriber to service provider. Gordon teaches the delivery packages ordered by customer from screen, including music videos, cooking, travel, automotive, education, children's program (col. 8, lines 46-59).

Regarding the service provider has recording to ship to user, Gordon teaches the interactive distribution system to distribute, ship, the recording packages from service provider to customer, based on the subscriber's interactive purchase order on-demand, after reviewed the price for the package on display, menu (abstract, summary of invention).

Regarding the amended portion for the receiving data and audio signals from a service provider with receiver, see Gordon above.

Gordon teaches the techniques for package delivery from subscriber's purchase order on demand in a interactive way, to allow rapid navigating through the menu of the package to be ordered (first paragraph in summary of invention), such that the system could operate in a efficient way for the music video to be ordered, by using the interactive menu. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Rovira as modified above, and to include Gordon's interactive package purchase to allow rapid menu navigating, such that the system could operate efficiently for purchasing the music video, by using the interactive menu.

Rovira discloses **claim 2**, the broadcasting said combined data and audio signals as a digital radio signal (see in column 2, line 19-23, and in column 2, line 30-34, it shows the digital transmission information contains the where the audio program information is combined with the digital audio, and the signal transmission can be coaxial cable or via satellite).

4. Claims 5-7, 10, 13 are rejected under 35 U. S. C. 103 (a) as being unpatentable over Rovira in view of Knox, and further in view of Moe, and further in view of Freeny, Jr. (US 5,694,162).

In the above it does not explicitly indicate the transceiver.

Regarding **claim 5**, Freeny teaches a transceiver for receiving said broadcast signal (see in title, in abstract, in Fig. 1, in column 2, line 43-65, and in column 3, line 8-20). Freeny teaches the method and apparatus for automatically changing broadcast programs based on the audience response. The audience receiver unit 22a, 22b, receives the broadcast digital program. The audience response unit 24a, 24b transmits the audience user selected program to the broadcast network control system 14 for subsequently broadcast the user selected audio programs from broadcast network transmitter system 12 of the system 10. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify and add Freeny, Jr.'s audience receiver 22a, 22b, and response unit 24a, 24b, to Rovira et al. as modified above, such that the user selected audio program could be transmitted to the broadcast network also.

Regarding a receiver for receiving a broadcasting signal which is an audio signal and a data signal combined, said data signal containing contextual information about audio programming carried by said audio signal; a signal processor for separating said audio and data signals; and an audio output device for outputting said audio signal (refer to the patent disclosure discussion in claims 1-4 above for the claimed features).

Regarding **claim 6, 7**, refer to the patent disclosure discussion in claim 1 above which has introduced above, having the disclosed feature for user input device for controlling the display device for textual information, from Rovira et al., as shown in Fig. 7, keyboard 207, processor 203, and display 209.

Regarding **claim 10**, refer to the patent disclosure discussion in claim 1 above, Rovira considered the microphone input 111 for commands of operating audio recordings and/or text in storage 107 (col. 4, lines 42-50). Rovira also considered the keyboard 119, mouse at input device (col. 5, lines 28-29, and input means in col. 48, line 3).

Regarding **claim 13**, refer to the patent disclosure discussion in claim 8 above which also provides the disclosed features for this claim.

5. Claims 14-17, 19-22, 24-25, 27-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rovira et al. in view of Knox, and further in view of Takahisa et al., and Takahisa (US 5,579,537).

In the above it does not explicitly indicate the wireless connection.

Takahisa teaches **claim 14**, the said connection to said service provider is a wireless connection (see in abstract, in column 17, line 46-55). Takahisa teaches the broadcast system in which digital data are transmitted along with audio. Takahisa teaches the communication link could be using the wireless link. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify and add Takahisa's wireless link for

broadcast audio program data, to Rovira et al. as modified above, such that the audio digital data could be implemented to the wireless communication system.

Regarding **claims 15, 16**, refer to the patent disclosure discussion in claims 1, 2, 5 above which also provides the disclosed features for this claim. Regarding the storing the portion of the contextual information in a removable memory cartridge, referring to examiner's comment in claim 1 above.

Regarding **claims 17, 24**, refer to the patent disclosure discussion in claim 7 above which also provides the disclosed features for this claim.

Regarding **claims 19, 21, 22**, refer to the patent disclosure discussion in claims 1-5, 11 above which also provides the disclosed features for this claim.

Regarding **claim 20**, refer to the patent disclosure discussion in claim 4 above which also provides the disclosed features for this claim.

Regarding **claim 25**, refer to the patent disclosure discussion in claims 1, 8 above which also provides the disclosed features for this claim.

Regarding **claim 27, 29**, referring to examiner's comment in claim 1 above for the storing portion of the audio programming onto removable memory medium.

Regarding **claim 28, 30**, referring to examiner's comment in claim 1 above for the storing portion of the contextual information onto removable memory medium.

Regarding **claims 31, 33**, referring to claim 1 above for the service provider has the recording and shipped to the user (Gordon, as shown in claim 1 above).

Regarding **claims 32, 34**, referring to claims 1, 5 above for the service provider broadcast menu (Fig. 8, Fig. 5) to subscriber on demand (Gordon, as shown in claim 1 above), and the service provider has the recording and shipped to the user (Gordon, as shown in claim 1 above).

***Response to argument  
and  
Conclusion***

6. Applicant's arguments with respect to claims 1, 2, 5-7, 10, 13-17, 19-22, 24-25, 27-34 have been considered but are moot in view of the new ground(s) of rejection.

Regarding applicant argument for the no teaching of the displaying on the contest information for the corresponding audio program; the transmitting purchase signal to service provider indicating an order to purchase a recording of audio program indicated, identified by the contest information on display device; the service provider has recording to ship to user; the ground of rejection has been changed to include Gordon et al. (US 6,314,573, also as Gordon below).

Regarding displaying on the contest information for the corresponding audio program, Gordon teaches the subscription on demand services SOD for the interactive distribution system (title, abstract, summary of invention). Gordon teaches, in his claim 6, the sending from service provider to subscriber a first menu to display the menu on the graphical user interface, as shown in Fig. 8, Fig. 5.

Regarding the transmitting purchase signal to service provider indicating an order to purchase a recording of audio program indicated, identified by the contest information on display device, Gordon teaches, in his claim 6, the sending a selection signal indicating selected video-on-demand form subscriber to service provider. Gordon teaches the delivery packages ordered by customer from screen, including music videos, cooking, travel, automotive, education, children's program (col. 8, lines 46-59).

Regarding the service provider has recording to ship to user, Gordon teaches the interactive distribution system to distribute, ship, the recording packages from service provider to customer, based on the subscriber's interactive purchase order on-demand, after reviewed the price for the package on displayed menu (abstract, summary of invention).

In view of the prior arts, the argument are moot, and claims 1, 2, 5-7, 10, 13-17, 19-22, 24-25, 27-34 are remaining in the rejection manner.

7. The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2684.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Chow whose telephone number is (703)-306-5615. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703)-305-4385.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D. C. 20231

Or Faxed to: (703)-872-93143 (for formal communications intended for entry)

Or hand-delivered to: Crystal Park 11, 2121 Crystal Drive, Arlington, VA, Sixth Floor, Receptionist. For general inquiry or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703)-306-0377.



Charles Chow

April 2, 2003.